

**ENFORCEMENT IN ENVIRONMENTAL JUSTICE COMMUNITIES**

**QUESTION:** How is EPA Region 9 addressing compliance issues in environmental justice communities in California?

**ANSWER:**

EPA Region 9 works with its state and tribal partners to focus our limited enforcement resources where they can have the greatest impact. In recent years, Region 9 has particularly focused our enforcement resources in two environmental justice areas of concern: the I-710 corridor in Los Angeles and the Central Valley.

- Numerous state agencies enforce environmental laws in California, through both delegation of federal authorities and in some cases more stringent state laws. Depending on the facility-specific situation, EPA may investigate and initiate federal enforcement against non-compliant facilities or defer to state or tribal initiated actions.
- Sen. Boxer has taken a particular interest in three facilities in Southern California. Region 9 has addressed each of these facilities through different approaches as outlined below.

**BACKGROUND:**

**AllenCo**

- AllenCo is a small oil production facility located in a residential neighborhood in south LA, approximately 2 miles from the University of Southern California campus. The site is directly across the street from an apartment complex, a high school and a college and near two major freeways.
- Since 2010, the South Coast Air Quality Management District (SCAQMD) has received over 340 odor complaints from nearby residents. Residents complain of headaches, nose-bleeds and other health effects from the odors emanating from the facility. SCAQMD has conducted over 64 site inspections and has issued a number of notices of violation and actions against the facility.
- On October 24, 2013 the Regional Administrator met with community members and toured the AllenCo facility. On November 6, 2013, Region 9 conducted inspections under the Clean Water Act Spill Prevention Control and Counter Measure Program and the Clean Air Act Risk Management Program. The Region is currently negotiating an administrative agreement with the facility with respect to violations found during the inspection.
- On November 8, 2013, Senator Boxer held a press conference across the street from the site. She called on the facility to voluntarily shut down until the source of the odors and health impacts could be determined. The facility has voluntarily stopped operating but it is anticipated they will reopen after completing various upgrades to the facility.
- The City of LA has also initiated an enforcement action against the facility.

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## **Mecca**

- Western Environmental is a soil remediation facility located on the Cabazon Band of Mission Indians reservation southwest of Los Angeles. As a facility operating on tribal land, the facility is subject to federal environmental laws.
- In December 2010, odors emanating from the facility resulted in numerous complaints from surrounding facility and hospitalization of school children and teachers from a nearby school.
- In May 2011, US EPA issued a Unilateral Administrative Order under section 7003 of the Resource Conservation and Recovery Act (RCRA) requiring the facility to take immediate action to eliminate the sources of odor from their facility. That order was subsequently converted to an Administrative Order on Consent incorporating specific activities the facility was required to take to reduce odors.
- In May 2011, following issuance of the Unilateral Administrative Order, Sen. Boxer toured the site together with EPA's Regional Administrator.
- As a result of the enforcement action, odor complaints associated with the facility have been substantially eliminated.
- South Coast Air Quality Management District and the Cabazon Band of Mission Indians have entered into an enforcement agreement that requires that industrial facilities on Cabazon's land adhere to a set of local air district rules, which are more stringent than federal air regulations.

## **Exide**

- Exide is a lead-acid battery recycler in Los Angeles with a long history of complaints and environmental issues.
- Exide has filed for bankruptcy. The facility is performing work under both a Corrective Action Order issued by the State Department of Toxic Substance Control (DTSC) as well as a Bankruptcy Court Stipulation and Order.
- In October, the SCAQMD issued an Order for Abatement for failure to control gaseous emissions including lead and arsenic under an SCAQMD rule. Exide submitted an Amended Revised Risk Reduction Plan to SCAQMD in January 2014, to address high cancer and non-cancer health risk levels resulting primarily from uncontrolled arsenic emissions.
- This month, DTSC released sampling results from 39 homes and two schools near the facility. Sampling revealed elevated levels of lead and prompted DTSC to direct Exide to draft plan to protect children and pregnant women living in affected homes. DTSC is also requiring additional testing.
- This month DTSC released sampling results from 39 homes and two schools in the vicinity of the facility. Samples revealed elevated lead levels in soil and prompted DTSC to require Exide to draft a plan to protect children and pregnant women living in affected homes. In addition, DTSC will require the facility to perform the additional testing.
- EPA continues to monitor the state enforcement actions related to the facility.

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